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8 UNITED STATES DISTRICT COURT  
9 WESTERN DISTRICT OF WASHINGTON  
10 AT TACOMA

11 MICHAEL A. BURNHART,  
12  
13 Petitioner,

14 v.

15 CHIEF WRZENSKI,  
16  
17 Respondent.

Case No. C07-5326RBL-KLS

ORDER DISMISSING PETITION

18 The Court, having reviewed the petition for *habeas corpus*, the Report and Recommendation of  
19 Judge Karen L. Strombom, United States Magistrate Judge, and the remaining record, does hereby find  
20 and Order:

- 21 (1) the Court adopts the Report and Recommendation;  
22 (2) petitioner's federal habeas petition is DISMISSED without prejudice; and  
23 (3) the Clerk is directed to send copies of this Order to petitioner and to Magistrate Judge  
24 Karen L. Strombom.

25 DATED this 1<sup>st</sup> day of August, 2008.

26   
27 RONALD B. LEIGHTON  
28 UNITED STATES DISTRICT JUDGE